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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,250	08/28/2001	Andrew P. Smith	1166/60353-B	6586

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EXAMINER

HO, ALLEN C

ART UNIT PAPER NUMBER

2882

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/941,250

Applicant(s)

SMITH ET AL.

Examiner

Allen C. Ho

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 172 (Figs. 42-45), 262 (Fig. 57). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

2. The disclosure is objected to because of the following informalities:

Page 24, line 12, "208" should be replaced by --206--.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claim 2 is rejected under 35 U.S.C. 102(e) as being anticipated by Watanabe (U. S. Patent No. 6,155,713).

Watanabe disclosed a system positioning a digital flat panel x-ray receptor for a variety of diagnostic x-ray protocols, comprising: an x-ray source (7a) selectively emitting an x-ray beam; a digital flat panel x-ray receptor (12) having an imaging face; a first track supporting (5), for movement along the first track (4), a first downwardly extending, telescoping column (6) that in turn supports the source for movement up and down, rotating about a first up-down axis, and rotating about a first lateral axis transverse to the first up-down axis, to thereby position and orient the x-ray beam for a variety of x-ray imaging protocols; a second track supporting (8), for movement along the second track (4), a second, downwardly extending, telescoping column (9) that in turn supports the receptor for movement up and down, rotating about a second up-down axis, and rotating about a second lateral axis transverse to the second up-down axis, to thereby position and orient the imaging face of the receptor to match the position and orientation of the x-ray beam for the variety of x-ray imaging protocols; the first and second tracks being spaced apart from each other to allow movement of the first column along the first track that is independent of movement of the second column along the second track.

5. Claim 3 is rejected under 35 U.S.C. 102(e) as being anticipated by Watanabe (U. S. Patent No. 6,155,713).

Watanabe disclosed a system positioning a digital flat panel x-ray receptor for a variety of diagnostic x-ray protocols, comprising: an x-ray source (7a) selectively emitting an x-ray beam and positioning the beam at positions and orientations for a variety of x-ray imaging protocols, and a supporting structure (6) for the x-ray source; a digital flat panel x-ray receptor

(12) having an imaging face; a track supporting (8), for movement along the track (4), a downwardly extending, telescoping column (9) that in turn supports the receptor for movement up and down, rotating about an up-down axis, and rotating about a lateral axis transverse to the up-down axis, to thereby position and orient the imaging face of the receptor to match the position and orientation of the x-ray beam for the variety of x-ray imaging protocols; the track being spaced from the supporting structure for the x-ray source to allow movement of the column along the track that is independent of movement of the x-ray source or the support thereof.

***Claim Rejections - 35 USC § 103***

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Negrelli (U. S. Patent No. 6,200,024 B1).

Negrelli disclosed a system positioning a digital flat panel x-ray receptor for a variety of diagnostic x-ray protocols, comprising: at least one x-ray source (44) selectively emitting an x-ray beam; a digital flat panel x-ray receptor (48) having an imaging face; a downwardly extending, ceiling-supported column (106) supporting the receptor for movement to different positions up and down along a downwardly extending axis, rotating (100) about the same or a different downwardly extending axis, and rotating (108) about a lateral axis transverse to the axis along which the receptor moves up and down; the receptor and at least one x-ray source being mounted on separate supports for movement independent of each other; and the at least one x-ray source and the receptor being juxtaposed for directing the x-ray beam to the imaging face of the receptor for a variety of diagnostic x-ray protocols.

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However, Negrelli did not teach an upwardly extending, floor-supported column supporting the receptor.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to switch the positions of the receptor and the x-ray source, since a person in the art would recognize that these two configurations are completely equivalent; it is purely a design choice.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- (1) Betz *et al.* (U. S. Patent No. 6,435,715 B1) describe a radiography device comprising an x-ray source and an x-ray receiver that are each arranged to be moved independently.
- (2) Hauck *et al.* (U. S. Patent No. 4,501,011) describe an angulating lateral fluoroscopic suspension comprising two independently movable, downwardly extending telescoping columns.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen C. Ho whose telephone number is (703) 308-6189. The examiner can normally be reached on Monday - Friday from 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached at (703) 305-3492. The fax phone numbers for the


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organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0530.

Allen C. Ho  
Examiner  
Art Unit 2882

ACH  
September 5, 2002

  
**ROBERT H. KIM**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2800**